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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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LACASSE & ASSOCIATES, LLC
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EXAMINER

CORRIELUS, JEAN M

ART UNIT	PAPER NUMBER
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2172

DATE MAILED: 12/03/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/844,916

Applicant(s)

DIEBERGER, ANDREAS

Examiner

Jean M Corrielus

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 September 2003.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

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DETAILED ACTION

1. This office action is in response to the amendment filed on September 22, 2003, which claims 1-22 are presented for further examination.

Information Disclosure Statement

2. The information disclosure statement (IS) filed on April 26, 2001 (paper no.2) complies with the provisions of M.E.P.. § 609. It has been placed in the application file. The information referred to therein has been considered as to the merits.

Response to Arguments

3. Applicant's arguments filed 9/22/03 have been fully considered but they are not persuasive. (See Examiner's remark).

Claim Rejections - 35 U.S.C. § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to

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the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

5. Claims 1, 5-9 and 13-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ishikawa US Patent no.5,812,863.

As to claim 1, Ishikawa discloses the claimed “computer memory storing a plurality of data inputs”(col.5, line 15-col.6, line 64); “program memory retaining a plurality of prestored data inputs” as a dictionary for correcting spelling 13 is for storing information on words for correcting misspelling (col.1, lines 26-28; col.5, line 15-col.6, line 64); “processing element correlating said data inputs to one or more of said prestored data inputs, said correlation representing an event” providing with a CPU checks whether or not each word in the inputted sentence is correctly spelled (col.1, lines 30-39; col.5, line 15-col.6, line 64) comprising one or more of: “a determination of a match between at least partial data inputs to complete prestored entries, determination of errors based on an evaluation of formatting of said data inputs to rules based logic” as matching of the spelling of each words in the inputted sentence against the corrected spelling in the dictionary for correcting spelling (col.1, lines 40-65; col.5, line 15-col.6, line 64). Ishikawa does not explicitly discloses the use wherein “upon recognition of a correlation, said processing element selecting a specific sound pattern representative of said event”; and “a sound source reproducing said specific sound pattern”.

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However, Ishikawa discloses the use of wherein the dictionary for detecting misspelling being generated in consideration of at least one of those causes of misspelling which are the difficulty in recognizing and distinguishing a specific sound from another sound due to the difference between the mother tongue and the language used in preparing the document (col.4, lines 5-67). Ishikawa states that different sounds used to pronounce the same phonogram or different phonograms (event) used to indicated the sound in the language used in the document being prepared (col.4, lines 5-67). Such a implication would provide the use of selecting a specific sound pattern for the event and reproducing the specific sound.

Therefore, it would have been obvious to one of ordinary skill in the art of data processing, at the time the present invention was made to modify the teachings of Ishikawa, wherein the content of the spelling correcting dictionary, provided therein (See Ishikawa's fig.4) would incorporate the use wherein upon recognition of a correlation, said processing element selecting a specific sound pattern representative of said event; and a sound source reproducing said specific sound pattern, in the same conventional manner as disclosed by Ishikawa (col.4, lines 5-67). The motivation being to correct the misspelling and incorrect usage of word whereby the misspelling and improper usage of a word would be found and corrected properly.

As to claim 5, Ishikawa discloses the claimed "wherein said prestored entries comprises programming language codes" (col.15, lines 8-67; col.12, lines 45-67; col.9, lines 18-40).

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As to claim 6, Ishikawa discloses the claimed “wherein said prestored data entries comprise any of, or a combination of, the following personal information, addresses, phone numbers, and social security numbers”(col.1, lines 26-28; col.5, line 15-col.6, line 64).

As to claim 7, Ishikawa discloses the claimed “wherein said formatting comprises any of: URL, e-mail addresses or entries to a standard template or electronic form” (col.11, lines 5-25).

As to claim 8, Ishikawa discloses the claimed “an optional corrective action suggestion to complete partial data inputs or correct data inputs with detected errors”(col.1, lines 26-28; col.5, line 15-col.6, line 64).

As to claims 9, 13-15 have been noted in the rejection of claims 1-8 above. They are, therefore, rejected under the same rationale. In addition, Ishikawa discloses the claimed “alternative data that can be optionally selected by a user for substitution of said data input based upon said correlation (col.1, lines 26-28; col.5, line 15-col.6, line 64).

As to claim 16, Ishikawa discloses the claimed “receiving word processing inputs”(col.5, line 15-col.6, line 64); “storing in computer memory said processing inputs from a library of prestored word processing inputs”(col.1, lines 26-28; col.5, line 15-col.6, line 64); “retrieving selected related word processing inputs from a library of prestored word processing inputs”(col.1, lines

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30-39; col.5, line 15-col.6, line 64); and “comparing said received word processing inputs with said selected word processing inputs to determine an event comprising one or more of: match between at least received partial inputs to complete prestored word processing inputs, errors based on an evaluation of formatting of said received inputs, or errors based on an evaluation of multiple received inputs to rules based logic” as matching of the spelling of each words in the inputted sentence against the corrected spelling in the dictionary for correcting spelling (col.1, lines 40-65; col.5, line 15-col.6, line 64). Ishikawa does not explicitly disclose the use of “selecting a specific sound pattern representative of said event”; and “producing said selected sound pattern through a sound source”. However, Ishikawa discloses the use of wherein the dictionary for detecting misspelling being generated in consideration of at least one of those causes of misspelling which are the difficulty in recognizing and distinguishing a specific sound from another sound due to the difference between the mother tongue and the language used in preparing the document (col.4, lines 5-67). Ishikawa states that different sounds used to pronounce the same phonogram or different phonograms (event) used to indicate the sound in the language used in the document being prepared (col.4, lines 5-67). Such an implication would provide the use of selecting a specific sound pattern for the event and reproducing the specific sound.

Therefore, it would have been obvious to one of ordinary skill in the art of data processing, at the time the present invention was made to modify the teachings of Ishikawa, wherein the content of the spelling correcting dictionary, provided therein (See Ishikawa’s fig.4) would incorporate the

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use of selecting a specific sound pattern representative of said event; and producing said selected sound pattern through a sound source, in the same conventional manner as disclosed by Ishikawa (col.4, lines 5-67). The motivation being to correct the misspelling and incorrect usage of word whereby the misspelling and improper usage of a word would be found and corrected properly.

As to claim 17, Ishikawa discloses the claimed “suggesting possible word processing inputs to complete or correct said received word processing inputs”(col.1, lines 26-28; col.5, line 15-col.6, line 64).

As to claim 18, Ishikawa discloses the claimed “wherein said match between partial inputs to complete received word processing inputs is determined by recognizing personal information”(col.1, lines 30-39; col.5, line 15-col.6, line 64).

As to claim 19, Ishikawa discloses the claimed “determining if specific word processing events comprise e-mail addresses, URLs, or entries for a template or a standard form”(col.11, lines 5-25).

As to claim 20, Ishikawa discloses the claimed “wherein said sound pattern is modified to indicate the severity of a detected word processing event”(col.1, lines 26-28; col.5, line 15-col.6, line 64).

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As to claims 21-22, the limitations of claims 21-22 have been noted in the rejection of claims 16-20 above. They are, therefore, rejected under the same rationale.

6. Claims 2-4 and 10-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ishikawa US Patent no.5,812,863 in view of Hon et al. (Hereinafter "Hon") US Patent no. 6,490,563.

As to claims 2-4 and 10-12, Ishikawa discloses substantially the invention as claimed. However, Ishikawa does not explicitly disclose the use "wherein said rules based logic comprises one or more of: language formatting, syntactical and grammatical rules" and "wherein said rules based logic comprises punctuation rules".

On the other hand, Hon discloses the claimed "wherein one or more parts of said system are located locally or connected by networks comprising any of: LANs, WAN" (col.5, lines 5-26); "wherein said rules based logic comprises one or more of: language formatting, syntactical and grammatical rules" (col.5, lines 40-67) and "wherein said rules based logic comprises punctuation rules" (col.5, lines 55-67).

Therefore, it would have been obvious to one of ordinary skill in the art of data processing, at the time the present invention was made to modify the teachings of Ishikawa, wherein the content of the spelling correcting dictionary, provided therein (See Ishikawa's fig.4) would incorporate the use of wherein said rules based logic comprises one or more of: language formatting, syntactical and grammatical rules and wherein said rules based logic comprises punctuation rules, in the same

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conventional manner as disclosed by Hon (col.5, lines 40-67). The motivation being to correct the misspelling and incorrect usage of word whereby the misspelling and improper usage of a word would be found and corrected properly.

Remark

(A). Applicants asserted that the Ishikawa does not provide nor suggest the use of the reproduction of an audible sound or pattern to alert a user during the use of a program. Ishikawa also does not provide or suggest the use of any audible sound device. The examiner disagrees with the precedent assertion. The examiner kindly submits that the Applicants misread the applied reference. However, when read and analyzed in the light of the specification, the invention as claimed does not support applicants' assertion. Actually, applicants interpreted the claims very narrow without considering the broad teachings of the reference used in the rejection. Applicants are reminded that 37 CFR § 1.111(b) states, "A general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references does not comply with the requirements of this section. The assertions that the applicants are relied upon are not stated any independent claims 19, 16 and 21. There are no mentioned of "audible sound or pattern to alert a user during the use of a program" and "audible sound device" in the claims. Applicant's assertions are just mere allegation with no supported fact. Therefore, the appellants have failed to specifically point out how the language of the claims patentably distinguished them from the cited references. Furthermore, for this assertion

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to have merit, it is important to Appellants provide some forms of evidence that convincingly show that the “audible sound” disclosed in the Examiner’s reference does not equivalent to the claims language. (Event). Applicant’s assertions are just mere allegation with no supported fact.

(B). Applicants asserted Hon does not provide the advantage of selecting a specific sound pattern for a specific correlation or event so that a user may identify the specific correlation or event. Applicants are also asserted that there is no motivation or suggestion provided within ishikawa to modify the program design to select a sound pattern for feedback to a user a sound device. The claims do not capture the essence of the invention as argued in applicant's remark (page 14 of 15). Applicant failed to rebut the Examiner's prima facie case for obviousness by failing to address the correspondences drawn between the prior art and Applicant's claimed subject matter. In paper number 8, the Examiner went through the claims phrase by phrase and referred to the prior art column and line number as to where he has drawn the correspondences between Applicant's claim phrases and prior art. The Examiner has established a prima facie case of obviousness uses for a different purpose which does alter the conclusion that its use in a prior art device would be prima facie obvious from the purpose disclosed in the reference. The examiner is kindly submitted that Ishikawa does not explicitly disclose the use “wherein said rules based logic comprises one or more of: language formatting, syntactical and grammatical rules” and “wherein said rules based logic comprises punctuation rules”. Hon, on the other hand, discloses the claimed “wherein one or more parts of said system are located locally or connected

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by networks comprising any of: LANs, WAN” (col.5, lines 5-26); “wherein said rules based logic comprises one or more of: language formatting, syntactical and grammatical rules” (col.5, lines 40-67) and “wherein said rules based logic comprises punctuation rules” (col.5, lines 55-67).

Therefore, it would have been obvious to one of ordinary skill in the art of data processing, at the time the present invention was made to modify the teachings of Ishikawa, wherein the content of the spelling correcting dictionary, provided therein (See Ishikawa’s fig.4) would incorporate the use of wherein said rules based logic comprises one or more of: language formatting, syntactical and grammatical rules and wherein said rules based logic comprises punctuation rules, in the same conventional manner as disclosed by Hon (col.5, lines 40-67). The motivation being to correct the misspelling and incorrect usage of word whereby the misspelling and improper usage of a word would be found and corrected properly. The assertions that the applicants are relied upon are not stated any independent and dependent claims 1-22. There are no mentioned of “selecting a specific sound pattern for a specific correlation or event so that a user may identify the specific correlation or event” and “the program design to select a sound pattern for feedback to a user a sound device” in the claims. Applicant’s assertions are just mere allegation with no supported fact. Moreover, the examiner recognizes that references cannot be arbitrarily combined and that there must be some reason why one skilled in the art would be motivated to make the proposed combination of primary and secondary references. In re Nomiya USPQ 607 (CCPA 1975).

However, there is no requirement that a motivation to make the modification be expressly articulated. The test for combining references is what the combination of disclosures taken as a

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whole would suggest to one of ordinary skill in the art. In re McLaughlin, 170 USPQ 209 (CCPA 1971). References are evaluated by what they suggest to one versed in the art, rather than by their specific disclosures. In re Bozek, 163 USPQ 545 (CCPA) 1969. Therefore, one having ordinary skill in the art of data processing at the time the invention was made would have found it obvious to combine the teachings of the cited references because such combination would Ishikawa's system the enhanced capability of correcting the misspelling and incorrect usage of word whereby the misspelling and improper usage of a word would be found and corrected properly.

Furthermore, Although the claims are interpreted in light of the specification, the limitations from the specification are not read into the claims. Applicant is reminded of the clear difference between reading the claims in light of the specification as allowed by 35 U.S.C. 112, 6th paragraph, and by In re Donaldson 29 USPQ2d, 1845, 16 F.3d 1189 (Fed. Cir, 1994), and reading limitations of the specification into the claims In re Prater 415 F2d 1393, 162 USPQ 541 (CCPA 1969). Applicant cannot rely on the specification to impart to the claims limitations not recited therein. Such reliance is ineffective to define over the prior art. In re Lundberg, 244 F2d 543, 113 USPQ 530 (CCPA 1957). However, the Applicant always has the opportunity to amend the claims during prosecution and broad interpretation by the Examiner reduces the possibility that the claim, once issued, will be interpreted more broadly than is justified.

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Conclusion

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or early communication from the Examiner should be directed to **Jean M. Corrielus** whose telephone number is (703) 306-3035. The Examiner can normally be reached on the weekdays from 7:00am to 5:30pm.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, **Kim Vu**, can be reached on (703)305-4393

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Any response to this action should be mailed to:

Commissioner of Patents and Trademarks Washington, D.C. 20231

or faxed to:

(703) 746-7236, (for formal communications intended for entry) **Or:**

(703)746-7240 (for informal or draft communications, please label "PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to **Crystal Park II, 2021 Crystal Drive,**

Arlington. VA., Sixth Floor (Receptionist).



Jean M. Corrielus

Patent Examiner

November 18, 2003